IN THE HIGH COURT OF THE JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3561 OF 2005.

Sunil Lazarous Anthony ...Applicant

V/s

The State of Maharashtra ...Respondent

Mr.Subodh Desai for the Applicant.
Mr. R.Y.Mirza,A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JUNE 08, 2005.

P.C.:

. Not on board. Taken on board. By consent of the Counsel taken up for hearing.

1. The case of the Applicant is that he has filed an application for anticipatory bail in the Sessions Court at Pune. By order dated 3rd June 2005 the application for ad-interim anticipatory bail has been rejected. The learned Sessions Judge has kept the Application of anitcipatory bail for hearing on 9th June 2005.

2. My attention has been invited to the order dated 12th October 2004 passed by this Court in the Criminal Application No.4361 of 2004. The view taken by this Court is that if the Sessions Judge was not inclined to entertain the Application, he should have dismissed the Application in its entirety. Instead of dismissing the

Application the learned Sessions Judge has rejected the Application for ad-interim relief and has kept the main application pending for hearing.

3. In the circumstances, the Applicant deserves to be protected till the Application is disposed of by the Sessions Court subject to the condition that the Applicant shall cooperate with the investigation of the case and shall appear before the Investigating Officer as and when required.

4. Hence, this Application is allowed by directing that the Applicant shall not be arrested till the disposal of the Criminal Misc. Application No.957 of 2005 in connection with the C.R.No.235 of 2005 registered with Chaturshrungi Police Station, Pune subject to the condition that the Applicant will cooperate for investigation of the offence and will appear for investigation before the Investigating Officer as and when required.

5. The learned Sessions Judge will decide the Criminal Misc. Application No.957 of 2005 within a period of two weeks from today. It is made clear that the Application will be decided uninfluenced by the order passed by this Court.

6. At this stage, the learned Counsel for the Applicant states that in case the Application is rejected by the learned Sessions Judge, ad-interim relief granted by this court be continued for a period of three days from the date of the order passed by the learned Sessions Judge. In case the said Application is rejected by the learned Sessions Judge, ad-interim relief will continue to operate for a period of three days from the date of order passed by the learned Sessions Judge.

7. Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE